

Mount Vernon Board of Adjustment  
Minutes  
October 2, 2012  
City Hall Conference Room

Meeting was called to order at 7:00 p.m. Those in attendance: Moe Richardson, Lori Boren, Pat Charboneau and Liz Sparks. Also in attendance: Zoning Administrator, Matt Siders, Eric and Cheryl Wery, applicants and Hugh Hoffmann, Bob Huffman and Ginny Randall, residents.

1. Approval of Agenda. Motion made by Charboneau to approve agenda. Carried all.
2. Public Hearing on request for a variance on front setbacks for a garage at 137 Lincoln Drive NE. Richardson asked the Zoning Administrator, Matt Siders, to explain the application. Siders explained that Cheryl Wery had contacted him regarding a possible change on her building permit. Wery had originally obtained a building permit in October of 2011 that was approved by the previous Zoning Administrator. This property is zoned as SR (suburban residential). Front setbacks in this zoning area are 35 feet for all usage. On the site plan from the original building permit, it shows the property is 43 feet to the curb but nothing indicating the distance to the lot line. Normally there are sidewalks but in this area there are not. The City Engineer assisted Siders in locating the property pins. After doing this, it was determined that if she were to put the garage where it was originally proposed, it would not meet front setback requirements for the SR zone. Therefore, after speaking to the City Administrator and City Attorney, Siders was forced to revoke the original permit. Boren asked for clarification on what the actual setback was. Siders said it would be 25' 9". There is a 10' easement behind the proposed garage that would not allow them to move it back. Siders said the only other option in this situation was to re-zone the entire district to make the majority of the properties in compliance.

Cheryl Wery addressed the board and explained that they were trying to improve their property by adding the garage. They would like to go 24' wide and 28' deep because of their full size vehicles. Because of the restrictions with the easement at the back of the property, moving back is not an option. They also wanted the option of having a side door for entry. She also stated that there are several other houses in the neighborhood that have a similar circumstance where the garage is in one elevation and the house is another. What they are asking to do is not out of the ordinary in that subdivision. There are only three houses in the entire subdivision that meet the 35' setback requirement.

A question was asked about whether or not the residents in the neighborhood should ask for the neighborhood to be re-zoned if this variance passes tonight. Charboneau thought it would be a good idea.

Liz Sparks gave a brief overview of the discussion. It was decided that granting a variance for a smaller front yard setback, as in this instance, does not create any substantial detriment to the public good or impair the intent and purpose of the ordinance or do anything different for the neighborhood for the following reasons: It will not obstruct the line of sight or the vision of traffic using the public street; it does not change the visual aesthetics of the neighborhood (the property will look similar to the other properties in the neighborhood with a shorter front yard); the shorter front yard still allows ample land adjacent to the street for future improvements that the City might need to make. Sparks went on to say that for these reasons, she believes they have found that they agree with subparts a-e in the guidelines for granting a variance. For these reasons, Sparks moves that the variance on the front setback for a garage at 137 Lincoln Drive NE be granted. Seconded by Boren. Carried all.

Meeting adjourned at 7:23 PM.

Respectfully submitted,  
Marsha Dewell  
Administrative Assistant